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**Admitted in New Jersey*

January 2, 2025

BY ECF FILING and EMAIL

Hon. Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street, Rm. 701
New York, NY 10007

Re: United States v. Gerald Shvartsman,
23 CR 307 (LJL)

Dear Judge Liman:

I am retained counsel for the above-referenced defendant.

I write to request that the Court adjourn Mr. Shvartsman's surrender date for one week, from January 3, 2025 to January 10, 2025, to permit the BOP the necessary time to re-designate Mr. Shvartsman to a non-medical facility, and hopefully, to FCI Coleman, as recommended by the Court at the time it sentenced Mr. Shvartsman. The reasons for this application are as follows.

As the Court is aware from prior applications, Mr. Shvartsman was originally designated to the BOP's Medical Facility in Dallas, Texas, because of the medical issues he raised at the time of his sentencing, which are noted in his PSR. Previously, Mr. Shvartsman made an application to revise his PSR to make note of the fact that his medical condition is not as severe as originally stated in the Final PSR, which was filed before his sentencing. Such a revision was requested to allow Mr. Shvartsman to argue to the BOP that he should be re-designated to a non-medical, low security facility, and to FCI Coleman, the facility which the Court recommended at the time of Mr. Shvartsman's sentencing. The Court denied Mr. Shvartsman's application on December 19, 2024, because it lacked sufficient information to grant the application. See Dkt. No. 258.

I am informed that the BOP has just advised Mr. Shvartsman that it has reconsidered its designation of him to the medical facility at Dallas, and the BOP has advised Mr. Shvartsman that it will re-designate him to another facility in due course. Because Mr. Shvartsman is required to surrender to the BOP's custody tomorrow, and it is not clear that the BOP will finish the re-designation process by the end of the day today, I respectfully request that the Court extend Mr. Shvartsman's surrender date by one week, to January 10, 2025, to spare him the difficulty of surrendering to MDC Miami tomorrow, and then being transported by the BOP to wherever the BOP designates him in the next several days. Frankly, the modest extension of time sought by this application will make the entire process smoother for the BOP and less expensive to the taxpayers than requiring Mr. Shvartsman to surrender to the MDC in Miami, only to be transported to another facility in a week or so at the taxpayers' expense.

If the Court is willing to grant this application, it may do so by executing this letter at the "So Ordered" signature line below.

Respectfully submitted,

Roland G. Riopelle

Roland G. Riopelle

Cc: All Counsel (By ECF and email)
USPO Johnny Kim (By ECF and email)

The Defendant Gerald Shvartsman having made an application for an order extending his surrender date for one week, from January 3, 2025 to January 10, 2025, and good cause appearing to grant such an application, now, therefore,

IT IS ORDERED, that the Defendant, Gerald Shvartsman, shall surrender to the custody of the Bureau of Prisons on or before January 10, 2025 at 12 p.m.

IT IS SO ORDERED:

HON. LEWIS J. LIMAN
U. S. D. J.